

CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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MEETING MINUTES:

BOARD OF PROFESSIONAL LAND SURVEYORS

DATE AND TIME:

Thursday, April 19, 2012 at 8:30 a.m.

PLACE:

861 Silver Lake Boulevard, Dover, Delaware
Conference Room A, second floor of the Cannon Building

APPROVED:

May 17, 2012

MEMBERS PRESENT

Michael Szymanski, Professional Member, Chair
James Bielicki, Jr., Professional Member, Vice Chair
Thomas Plummer, Professional Member
Laurence McBride, Professional Member
Mark Rosenthal, Public Member

DIVISION STAFF

Eileen Heeney, Deputy Attorney General
Sandra Wagner, Administrative Specialist III
Meaghan Jerman, Administrative Specialist II

MEMBERS ABSENT

Mary Chvostal, Public Member, Secretary
Kenneth Monroe, Public Member

PUBLIC

Dennis White
Frank Szczuka
Brian Brittingham, Esq.
Michael Early

CALL TO ORDER

Mr. Szymanski called the meeting to order at 8:30 a.m.

Review and Approval of Minutes

Mr. Plummer made a motion, seconded by Mr. Bielicki, to approve the February 16, 2012 minutes. The motion was unanimously approved.

Unfinished Business

Review of Dennis White's Application

Mr. Bielicki re-reviewed the application for licensure by exam for Mr. Dennis White. After review of the new documents submitted, Mr. Bielicki found that Mr. White's application is now in compliance with the required Field Experience. Mr. Bielicki made a motion, seconded by Mr. Rosenthal, to approve the application for licensure by exam for Mr. White. The motion was unanimously approved.

NEW BUSINESS

Courses for Continuing Education Approval

Mr. Plummer reviewed the information received from Maryland Society of Surveyors for PDHs and recommended approval. Mr. Plummer made a motion, seconded by Mr. McBride, to approve Maryland Society of Surveyors – Protecting Your Practice (part 1) for **4.0 PDHs**, Protecting Your Practice (part 2) for **4.0 PDHs**, GIS Online for **4 PDHs**, AutoCAD Civil 3D Survey Essentials for **4 PDHs**, Railroad Surveying 101 for **8 PDHs**, Point Clouds and Reality Capture for **4 PDHs**, and NA2011-Better Positions & Improved Access to NSRS for **4 PDHs**. The motion was unanimously approved.

Mr. Plummer reviewed the information received from James Nardo for PDHs regarding DNREC-Division of Watershed Stewardship and recommended approval. Mr. McBride made a motion, seconded by Mr. Rosenthal, to approve Certified Construction Reviewer Course for **23 PDHs**. The motion was unanimously approved.

Mr. Plummer reviewed the information received from CADapult, LTD for PDHs and recommended approval. Mr. Plummer made a motion, seconded by Mr. McBride, to approve Civil 3D JumpStart for Surveyors-Civ-102 for **6 PDHs** and Everything Begins and Ends with a Survey for **4 PDHs**. The motion was unanimously approved.

Mr. Plummer reviewed the information received from Bruce McKenna for PDHs regarding National Stormwater Center and recommended approval. Mr. Plummer made a motion, seconded by Mr. Rosenthal, to approve 1st Annual Region 3 Compliance Conference for **12 PDHs**. The motion was unanimously approved.

Mr. Plummer reviewed the information received from Bruce McKenna for PDHs regarding New Jersey Water Environmental Association and recommended approval. Mr. Plummer made a motion, seconded by Mr. Rosenthal, to approve OSHA 8 Hours HAZWOPER Refresher for **8 PDHs**. The motion was unanimously approved.

Mr. Plummer reviewed the information received from Bruce McKenna for PDHs regarding Pennsylvania Association of Professional Land Surveyors and recommended approval. Mr. Plummer made a motion, seconded by Mr. Rosenthal, to approve Stormwater Mgmt-Using Geosynthetic Products for PA BMP's for **4 PDHs**. The motion was unanimously approved.

Mr. Plummer reviewed the information received from Delaware Association of Surveyors, Inc. for PDHs and recommended approval. Mr. Plummer made a motion, seconded by Mr. McBride, to approve Establishing & Maintaining the Official Survey Base for **1 PDH**. The motion was unanimously approved.

Mr. Plummer reviewed the information received from Charles Fralinger for PDHs regarding NJ Water Environment Association and recommended approval. Mr. Plummer made a motion, seconded by Mr. Rosenthal, to approve Engineering Ethics for **2 PDHs in Ethics**. The motion was unanimously approved.

Review of Applications for Examination

There were no applications for Examination to review.

Review of Application for Reciprocity

Matthew Lane

Mr. Bielicki reviewed the application from Mr. Matthew Lane.

Mr. Bielicki made a motion, seconded by Mr. McBride, to approve Mr. Lane's application and grant approval to sit for the Delaware Drainage & Jurisprudence Examination. The motion was unanimously approved.

Joseph Maxcy

Mr. Bielicki reviewed the application from Mr. Joseph Maxcy.

After discussion by the Board, Mr. Szymanski recommended that Mr. Maxcy's application be tabled until the next Board meeting, so that the Board's attorney can have time to research whether or not Mr. Maxcy will have to take the Drainage and Jurisprudence exam again.

Mr. McBride made a motion, seconded by Mr. Plummer, to table Mr. Maxcy's application and re-review at the next meeting. The motion was unanimously approved.

John Wade

Mr. Bielicki reviewed the application from Mr. John Wade.

Mr. Bielicki made a motion, seconded by Mr. Rosenthal, to approve Mr. Wade's application and grant approval to sit for the Delaware Drainage & Jurisprudence Examination. The motion was unanimously approved.

Review of Applications for Survey Intern

Matthew Bilz

Mr. Bielicki reviewed the application from Mr. Matthew Bilz.

Mr. Bielicki made a motion, seconded by Mr. McBride, to propose to deny Mr. Bilz's application. Mr. Bilz does not meet the requirements for Internship. The motion was unanimously approved.

Ratification of Issuance of Land Surveying Certificates of Authorization

Vista Design, Inc.

After discussion, Mr. Rosenthal made a motion, seconded by Mr. McBride, to ratify the application of certificate of authorization for Vista Design, Inc. The motion was unanimously approved.

J.A. Rice, Inc.

After discussion, Mr. Rosenthal made a motion, seconded by Mr. McBride, to ratify the application of certificate of authorization for J. A. Rice, Inc. The motion was unanimously approved.

Greenman-Pederson, Inc.

After discussion, Mr. Rosenthal made a motion, seconded by Mr. McBride, to ratify the application of certificate of authorization for Greeman-Pederson, Inc. The motion was unanimously approved.

Review of Audit

Kenneth Schilling

Mr. Szymanski reviewed Mr. Schilling's audit documentation. Mr. Bielicki made a motion, seconded by Mr. McBride, to have Mr. Schilling scheduled for a show cause hearing as to why he is short 2 PDHs in Ethics for the renewal period. The motion was unanimously approved.

Complaint Assignments

There was one new complaint assigned to Mr. Plummer - 05-01-12.

Complaint Status

There were no new complaints for February and one new complaint for March.

Hearings/Consent Agreements/Board Orders

Michael Paraskewich – Consent

Mr. Plummer made a motion, seconded by Mr. Rosenthal, to accept the consent order for Mr. Paraskewich. By majority vote, the motion carried with Mr. McBride recusing.

Closed Complaints

There were no closed complaints.

Wall Certificates

There were no wall certificates to sign.

Executive Session

There was no Executive Session for April.

OTHER BUSINESS BEFORE THE BOARD (FOR DISCUSSION ONLY)

Mr. Szymanski wanted the Board to be aware that as of September 3, 2012, his 2nd term with the Board will be completed and Mr. McBride's 2nd term will be completed. This will leave the Board needing two professional members. Mr. Szymanski does not want to be carried over after his last meeting in August.

PUBLIC COMMENT

Mr. Michael Early, the complainant in the Paraskewich matter, addressed the Board on the subject of Board members' counties of residence. He asked the professional members of the Board to state their counties of residence. Mr. Szymanski stated that he had discussed this issue with the Board's Deputy Attorney General and had been advised that the Board was in compliance with statutory requirements pertaining to residency and that the deciding factor is residency at the time of appointment. At Mr. Early's request, each professional member of the Board stated his county of residence: Mr. Plummer stated that he resides in Kent County and Mr. Szymanski, Mr. Bielicki and Mr. McBride stated that they reside in New Castle County. Mr.

McBride stated that he resided in New Castle County at his time of appointment. Mr. Early stated his view that the Board's approval of the consent in the Paraskewich matter was not valid because the Board composition, in terms of residency, did not meet statutory requirements. Mr. Early requested that the Board's Deputy Attorney General provide him with an opinion in response to his challenge pertaining to Board composition.

Mr. Frank Szczuka, a member of the public, also addressed the Board. Mr. Szczuka stated that the Board lacks a professional member from Sussex County and is not in compliance with the statute. Mr. Szczuka stated that the Board should be in compliance with residency requirements before any voting takes place. Mr. Szczuka also commented that he felt that the Paraskewich consent was signed just because the Board didn't want the Attorney General's office to dismiss the case. Ms. Heeney advised Mr. Szczuka that the Board had accepted the consent and the Board would not re-open discussion on the case. Mr. Szczuka next discussed an order signed by the Board in March 2011. Mr. Szczuka challenged the signatures on the order, in terms of when they were signed and whether the signatures were electronic. Mr. Szczuka stated that he had a handwriting specialist review the signatures. Mr. Szczuka was advised by Board members that the order was signed at the Board meeting in question. Mr. Szczuka also stated that the order contained a typo pertaining to the period of probation and commented that the Board members missed this typo. Mr. Szymanski responded that the substance of the order indicated the correct period of probation. Mr. Szczuka stated that different Board Deputies give different opinions and the Deputies are not always right.

Brian Brittingham, attorney for Mr. Paraskewich, asked to be kept apprised of any developments with respect to Mr. Early's challenge to Board approval of the consent in the Paraskewich matter.

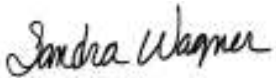
NEXT MEETING

The next scheduled meeting of the Board is May 17, 2012 at 8:30 a.m. in Conference Room A, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

ADJOURNMENT

There being no further business before the Board, Mr. Plummer made a motion, seconded by Mr. Rosenthal, to adjourn the meeting at 10:30 a.m. The motion was unanimously approved.

Respectfully Submitted,



Sandra Wagner
Administrative Specialist III